

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KATHLEEN LADUCA and LUCIO LADUCA,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

BARI HOME CARE, LLC and ASEF BARI,

Defendants.

Civil Action No.: 24-cv-07970-LDH-
JAM

**STIPULATION FOR
CONDITIONAL COLLECTIVE
ACTION CERTIFICATION**

WHEREAS, in the above captioned action, the Named Plaintiffs individually and on behalf of a class workers (collectively “Plaintiffs”) have alleged that they performed work for and on behalf of Defendants Bari Home Care, LLC (“Bari Home Care”) and Asef Bari (“Bari”) (collectively “Defendants”), but were not paid overtime compensation for hours worked beyond forty in a workweek in violation of the Fair Labor Standards Act (“FLSA”); and

WHEREAS, Plaintiffs seek an Order certifying this action as a conditional collective action pursuant to the FLSA, 29 U.S.C. § 216(b); it is now

HEREBY STIPULATED, CONSENTED AND AGREED, that the Court may conditionally certify a collective action under 29 U.S.C. § 216(b), solely for the purpose of facilitating court-authorized notice, and without adjudication of the merits or any issue of liability.

The conditionally certified collective shall consist of:

All individuals who performed work on behalf of Bari Home Care LLC and Asef Bari as non-residential home health aides and/or personal care assistants in the State of New York at any time between November 15, 2021 and the present and who were allegedly not paid overtime compensation.

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, the Notice of Pendency of Lawsuit and the Consent to Join Form annexed hereto as Exhibit A and B respectively are approved; and

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, Defendants shall furnish Plaintiffs' Counsel with the last known address of the individual members of the collective on or before the thirtieth (30) day after this Order has been signed by the Court.

Plaintiff and Plaintiff's counsel agree that this information shall be used **exclusively** for the purpose of issuing Court-approved notice in this action and **shall not be shared, sold, or used for any other purpose;** and

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, a copy of the Notice is to be translated into Spanish, Russian, Polish, and Chinese, and is to be mailed via First Class Mail to all known members of the collective on or before fifteen (15) days after receipt of the mailing address of the individual members; and

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, the putative collective members shall have sixty (60) days from the day they receive the Court Authorized Notice and Consent to Join Form to opt-in to the collective; and

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, that by signing this Stipulation, the Defendants are not waiving any of their rights to move to decertify the proposed Collective at a later time; and

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, that Defendants does not admit and expressly denies any and all liability, wrongdoing, or violation of any law. The Parties agree that conditional certification does not constitute a determination of any issue in the case, and shall not be used as

an admission of any liability, violation, or wrongdoing by Defendants. Defendant expressly reserves all rights to:

- (a) move to decertify the collective after appropriate discovery;
- (b) oppose final certification of any collective or class under the FLSA or Rule 23;
- (c) move to dismiss or for summary judgment on any claims;
- (d) assert all available defenses and objections; and
- (e) oppose any motion to amend the pleadings to add new claims or parties; and

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, Defendants' agreement to conditional certification under the FLSA shall not be construed as agreement that any class should be certified under Rule 23, or that the requirements of Rule 23 are satisfied. Defendants expressly reserve the right to object to any motion for Rule 23 class certification.

IT IS FURTHER HEREBY STIPULATED, CONSENTED AND AGREED, by and among the undersigned attorneys for the parties, the Court approves the form of Notice and finds that the publishing of such Notice substantially in the manner and form set forth in this Order will constitute the best notice practicable under the circumstances to members of the collective.

Date: April 18, 2025
New York, New York

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SO ORDERED:

Hon. Joseph A. Marutollo, U.S.M.J.